

## AMENDED AGENDA FOR TUESDAY, NOVEMBER 10, 2009

- I. Call to Order.
- II. Pledge of Allegiance/Invocation (Councilwoman Robinson).
- III. Minute Approval.
- IV. Special Presentations.
- V. Ordinances – Final Reading:
  - a) An ordinance adopting a Plan of Services and extending the corporate limits of the City of Chattanooga, Tennessee, to annex certain territory contiguous to the present corporate limits of the City of Chattanooga known as Area 9B, being certain parcels adjacent to Old Lee Highway and Apison Pike within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, Tennessee, as shown by the attached map.
- VI. Ordinances – First Reading:
  - a) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Sections 38-2, 38-361, 38-363, 38-365 through 38-368, and 38-378, to update flood regulations.
  - b) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, by amending Sections 38-43(4) and 38-524(1) through (4)(a) to include three and four unit dwellings by special exceptions permit in R-1 Residential Zone.
  - c) An ordinance to amend Chattanooga City Code, Part II, Chapter 5, Section 5-75(b), relative to sale of beer in the UGC Urban General Commercial Zone. **(Deferred from 10/27/09.)**
  - d) 2008-194 Trudy Mott (R-1 to R-3MD). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 1203 Rockway Drive, more particularly described herein, from R-1 Residential Zone to R-3MD Moderate Density Zone. **(Denied by Planning and Staff but recommended for Special Exceptions Permit approval once 6(b) is decided on.)**
  - e) 2009-111 Sean Daniels (R-1 to C-5). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 3630 Ridgeside Road, more particularly described herein, from R-1 Residential Zone to C-5 Neighborhood Commercial Zone, subject to certain conditions. **(Recommended for approval by Planning and Staff.) (District No. 9.)**  
  
2009-111 Sean Daniels (R-1 to C-2). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 3630 Ridgeside Road, more particularly described herein, from R-1 Residential Zone to C-2 Convenience Commercial Zone. **(Denied by Planning and Staff.)**

- f) MR-2009-112 Chestnut Properties, LLC (Close & Abandon). An ordinance closing and abandoning the 900 block of East 23<sup>rd</sup> Street, a portion of the unopened 2000 block of East End Avenue, and a portion of an unopened alley located on the west line of the 2000 block of Central Avenue, more particularly described herein, subject to certain conditions. **(Recommended for approval by Public Works.) (District No. 7.) (Deferred from 10/27/09.) (Public Works requests deferral to 11/24/09.)**

MR-2009-112 Chestnut Properties, LLC (Close & Abandon). An ordinance closing and abandoning the 900 block of East 23<sup>rd</sup> Street, a portion of the unopened 2000 block of East End Avenue, and a portion of an unopened alley located on the west line of the 2000 block of Central Avenue, more particularly described herein.

- g) 2009-122 Kim Helton (R-1 to R-T/Z). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a part of a tract of land located at 7230 Noah Reid Road, more particularly described herein, from R-1 Residential Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone, subject to certain conditions. **(Recommended for approval by Planning and denied by Staff.) (District No. 6.)**

2009-122 Kim Helton (R-1 to R-T/Z). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a part of a tract of land located at 7230 Noah Reid Road, more particularly described herein, from R-1 Residential Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone.

- h) 2009-123 Structure Group, Inc. (M-1 to UGC). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 1200 East Main Street, more particularly described herein, from M-1 Manufacturing Zone to UGC Urban General Commercial Zone. **(Recommended for approval by Planning and Staff.) (District No. 8.) (Corrected.)**

2009-123 Structure Group, Inc. (M-1 to C-3). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 1200 East Main Street, more particularly described herein, from M-1 Manufacturing Zone to C-3 Central Business Zone. **(Denied by Planning and Staff.)**

- i) 2009-124 Metropolitan Main, LLC (C-2 and M-1 to UGC). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 1601 Gulf Street, more particularly described herein, from C-2 Convenience Commercial Zone and M-1 Manufacturing Zone to UGC Urban General Commercial Zone. **(Recommended for approval by Planning and Staff.) (District No. 8.)**

2009-124 Metropolitan Main, LLC (C-2 and M-1 to C-3). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 1601 Gulf Street, more particularly described herein, from C-2 Convenience Commercial Zone and M-1 Manufacturing Zone to C-3 Central Business Zone. **(Denied by Planning and Staff.)**

- j) 2009-143 Linda J. Murphy (R-1 to R-3). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 28 South Germantown Road, more particularly described herein, from R-1 Residential Zone to R-3 Residential Zone. **(Denied by Planning and Staff.) (District No. 6.)**
  
- k) 2009-145 Alan Haniszewski (R-1 to R-T/Z). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 907 Avon Place, more particularly described herein, from R-1 Residential Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone, subject to certain conditions. **(Recommended for approval by Planning.) (District No. 2.)**  
  
2009-145 Alan Haniszewski (R-1 to R-T/Z). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 907 Avon Place, more particularly described herein, from R-1 Residential Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone.
  
- l) 2009-146 D & G Development, LLC (M-2 to R-3). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 3421 St. Elmo Avenue, more particularly described herein, from M-2 Light Industrial Zone to R-3 Residential Zone. **(Recommended for approval by Planning.) (District No. 7.)**
  
- m) An ordinance appropriating, authorizing or allocating funds to the Capital Improvements Budget for the fiscal year 2009/2010 and to amend the fiscal year 2009/2010 Budget Ordinance No. 12288 and to amend the 2008/2009 Capital Budget No. 12161. **(Added by permission by Budget and Finance Committee.)**

VII. Resolutions:

- a) A resolution authorizing the Chief of the Chattanooga Fire Department to enter into a contract with Bradanna, Inc. to construct Fire Station No. 7 at Enterprise South in the amount of \$1,879,000.00, with a contingency in the amount of \$187,900.00, for a total cost not to exceed \$2,066,900.00. **(Deferred from 11/3/09.)**
  
- b) A resolution authorizing payment of 2010 Membership Dues for National League of Cities in an amount not to exceed \$10,610.00.
  
- c) A resolution authorizing the award of Contract No. W-05-007-203, North Warner Park Stormwater Detention Basin, to Thomas Brothers Construction Company, Inc. in the amount of \$1,703,999.00, plus a contingency amount of \$170,000.00, for a total amount not to exceed \$1,873,999.00, subject to appropriation of funds. **(Deferred from 10/27/09.)**
  
- d) 2009-144 Nate Durham (Special Exceptions Permit). A resolution approving a Special Exceptions Permit for a two-family dwelling in R-1 Residential Zone on a tract of land located at 2036 Ruby Street, more particularly described herein. **(Recommended for approval by Planning.)**

- e) **A resolution authorizing a contract with Haman's New Drivers to provide driver training services for the City's Driver's Education Program in an amount not to exceed \$70,000.00 through February 2010. (Added by permission of Council Vice-Chair Rico.)**
- f) **A resolution adopting a five-year Capital Improvement Plan, subject to future revision, a copy of which is attached hereto and made a part hereof by reference. (Added by permission of Budget and Finance Committee.)**

VIII. Overtime Report.

IX. Departmental Reports:

- a) Department of Human Services.
- b) Department of Parks and Recreation.
- c) Department of Public Works.
- d) Department of Neighborhood Services.
- e) Department of Education, Arts & Culture.
- f) Fire Department.
- g) Police Department.
- h) Department of Personnel.
- i) Department of Finance and Administration
- j) City Attorney.

X. Other Business.

XI. Committee Reports.

XII. Agenda Session for Tuesday, November 17, 2009.

XIII. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.

XIV. Adjournment.

XII. Agenda Session for Tuesday, November 17, 2009:

**AGENDA FOR TUESDAY, NOVEMBER 17, 2009**

1. Call to Order.
2. Pledge of Allegiance/Invocation (Councilwoman Ladd).
3. Minute Approval.
4. Special Presentations.
5. Ordinances - Final Reading:
  - a) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Sections 38-2, 38-361, 38-363, 38-365 through 38-368, and 38-378, to update flood regulations.
  - b) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, by amending Sections 38-43(4) and 38-524(1) through (4)(a) to include three and four unit dwellings by special exceptions permit in R-1 Residential Zone.
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6. Ordinances – First Reading:

- a) An ordinance waiving any fees or restrictions for use of the right-of-ways throughout the Downtown Central Business District to allow placement of signs, banners, decals, and other displays of various sizes to promote the NCAA Championship Game during the week of December 14-19, 2009 only, subject to certain conditions.
- b) An ordinance to amend Chattanooga City Code, Part II, Chapter 24, Article XIV, Section 24-502, relative to speed limits on M. L. King Boulevard.

An ordinance to amend Chattanooga City Code, Part II, Chapter 24, Article XIV, Section 24-502, relative to speed limits on M. L. King Boulevard. **(Alternate version to 30 mph.)**

7. Resolutions:

- a) A resolution authorizing the Mayor to renew a Personal Services Contract with Michael L. Feely to coordinate initiatives and act as a liaison with Hispanic and homeless populations of Chattanooga to establish and nurture relationships with organizations representing the rights and/or interests of said populations for the period of September 1, 2009 through August 31, 2010 in an amount not to exceed \$22,000.00 per year.
- b) A resolution authorizing the award of Contract No. E-07-007-201, Walnut Street Bridge North Viaduct Improvements, to Tower Construction Company, Inc., in the amount of \$1,313,415.50, plus a contingency amount of \$100,000.00, for a total amount not to exceed \$1,413,415.50.
- c) A resolution authorizing the execution of Change Order No. 1 relative to Contract No. E-08-027-201, Traffic Operations Re-Roofing Project, with Don Grant Company, which increases the contract amount by \$3,905.74, for a revised contract amount of \$86,551.74, and releasing the remaining contingency amount of \$4,348.26.

**Amended Agenda for Tuesday, November 10, 2009**

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- d) MR-2009-061 and 062 City of Chattanooga, c/o Dan Thornton (Acceptance of Property). A resolution authorizing the acceptance of a donation of property from AKI, Inc. (d/b/a Arcade Marketing, Inc.) located at 1815 Main Street, Lynnbrook Avenue, and 1715 Main Street, more particularly described herein, and authorizing the Director of General Services to execute any and all documents necessary relating thereto.
8. Overtime Report.
9. Departmental Reports:
  - a) Department of Human Services.
  - b) Department of Parks and Recreation.
  - c) Department of Public Works.
  - d) Department of Neighborhood Services.
  - e) Department of Education, Arts & Culture.
  - f) Fire Department.
  - g) Police Department.
  - h) Department of Personnel.
  - i) Department of Finance and Administration
  - j) City Attorney.
10. Other Business.
11. Committee Reports.
12. Agenda Session for Tuesday, November 24, 2009.
13. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
14. Adjournment.